UTAH DIVISION OF WATER QUALITY

IN THE MATTER OF **Springville City** **110 S. Main Street** **Springville, UT 84663** **UPDES PERMIT NO. UT0020834**	**PERMIT VARIANCE FOR TECHNOLOGY-BASED PHOSPHORUS EFFLUENT LIMITS**

BACKGROUND

1. Springville City's ("Springville") wastewater treatment plant in Springville, Utah (the "Facility") provides wastewater services within Utah County.

2. The City's operations at the Facility are undertaken subject to UPDES Discharge Permit No. UT0020834 ("Permit").

3. The Facility is required to achieve technology-based phosphorus effluent limits ("TBPEL") on or before January 1, 2020, unless a variance is granted. *See* UAC R317-1-3.3.

4. Utah law provides that DWQ may grant a variance for compliance with the TBPEL in the event that the operator can demonstrate that commensurate phosphorus reduction can be achieved in receiving waters using innovative alternative approaches such as water quality trading and/or seasonal offsets. *See* UAC R317-1-3.3.C.1.d.

5. The Director of DWQ has determined that Springville has met its burden to show an innovative alternative approach within the meaning of the UAC R317-1-3.3 and that a variance is appropriate, subject to the limitations and conditions provided herein.

AUTHORITY

6. The Director of DWQ has authority to grant a variance for using innovative alternative approaches and as to the implementation deadline for TBPEL pursuant to UAC R317-1-3.3 and the corresponding provisions of the Utah Water Quality Act.

7. The State of Utah administers the Utah Pollution Discharge Elimination System (UPDES) permit program under the Utah Water Quality Act.

DUE DILIGENCE - FINDINGS

8. The following documents were reviewed as part of this variance approval, among others:

   a. Wastewater Regionalization Feasibility Study for South Utah Valley Municipal Water Association (SUVMA). Brown and Caldwell, Sunrise Engineering Inc., and AQUA Engineering, Inc. (October 2001)
   b. SUVMA Wastewater Regionalization Feasibility Study Phase II. AQUA Engineering, Inc. (January 2007)
   c. Request for Variance from Technology Based Phosphorus Effluent Limits (TBPEL) according to R317-1-3.3.C.C and R317-l-3.3.C.e, for the Springville City Wastewater Treatment Facility, Springville City (December 2017).
   d. Salem Wastewater Facilities Planning Study and Environmental Review and Assessment Final Report. Forsgren Associates Inc. (February 2018)

9. Based on the foregoing documents, the Director has determined that Springville has demonstrated an innovative alternative approach to construction of Regional Biological Phosphorus Removal treatment plant designed to meet TBPEL, within the meaning of UAC R317-1-3.3.C.1.d.

VARIANCE

10. The Director hereby grants Springville a variance as to the compliance date to further evaluate this innovative alternative approach for construction of a Regional treatment plant; subject to the following conditions:

   a. This variance does not extend beyond March 1, 2021, unless an extension is requested in accordance with Part II.g. Springville must comply with all TBPEL requirements by that date.

   b. Pursuant to UAC R317-1-3.3.C.2, this variance is subject to re-evaluation in the event that there is any substantive change in the facility design or construction plans provided in the Variance Request. Springville must provide timely notice to DWQ of any such substantive changes.

   c. Springville shall actively maintain the existing SUVMA property. The SUVMA property shall be kept available for construction of a regional treatment plant.

   d. By no later than February 1, 2019, Springville in partnership with Spanish Fork City shall submit to DWQ for approval a regionalization feasibility study scope of work for construction of a Regional treatment plant located in Utah County.

e. By no later than December 1, 2019, Springville or in partnership with Spanish Fork City shall submit to DWQ the complete regionalization feasibility study.

f. By no later than March 1, 2020, Springville in partnership with Spanish Fork shall submit to DWQ:

    i. A formal letter committing to the selected phosphorus removal technology including project schedule, and budget analysis (including project costs and funding information).

    ii. A City Council resolution supporting the pursuit of the facility upgrade or replacement for the selected phosphorus removal technology. The resolution shall include the approximate budget for the facility upgrade or replacement.

g. By no later than June 1, 2020, Springville shall submit to DWQ a request for extension of this variance. The variance extension request shall be a formal letter committing to construct a new regional treatment plant including project schedule, and budget analysis (including project costs and funding information).

h. By no later than March 1, 2021, Springville shall submit to DWQ documentation of financial planning for the required to construct a new regional treatment plant. In addition, if rate increases are necessary Springville shall have passed the required rate increase resolution by no later than March 1, 2021.

i. If based on the feasibility study, Springville is NOT pursuing construction of a new regional treatment plant then this variance will terminate in accordance with Part 11.a.

j. If it is found that Springville has failed to comply with the requirements of this variance toward the construction of a regional treatment facility capable of Phosphorus Removal the Division of Water Quality may terminate this variance.

    i. If this variance is terminated by the Division of Water Quality, Springville will be immediately expected to comply with the requirements UAC R317-1-3.3.

k. No total phosphorus effluent limitation will be added to the Permit before January 1, 2020.

l. Effective January 1, 2020, DWQ will impose the following interim effluent limitation under the Permit: total phosphorus annual average effluent limitation of 4.0 mg/L.

_____ Date:_____

Erica Brown Gaddis, PhD
Director
Utah Division of Water Quality

DWQ-2018-007393